

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

-----X

ALAN CALLEJAS, CARLOS FLORES, and  
JOSE ROSALES, on behalf of themselves and  
all others similarly situated

Plaintiffs,

**ADOPTION ORDER**

15-cv-1123 (ADS)(GRB)

-against-

HITANO SERVICES, INC., doing business as  
Action Building Services, and EDUARDO  
PEREZ, individually,

Defendants.

-----X

**APPEARANCES:**

**Ackerman Levine Cullen Brickman & Limmer LLP**

*Attorneys for the Plaintiffs*

1010 Northern Blvd

Suite 400

Great Neck, NY 11021

By: Jose G Santiago, Esq., Of Counsel

**SPATT, District Judge.**

On March 4, 2015, the Plaintiffs Alan Callejas, Carlos Flores, and Jose Rosales, on behalf of themselves and all others similarly situated (collectively, the “Plaintiffs”) commenced this action against the Defendants Hitano Services, Inc., doing business as Action Building Services, and Eduardo Perez, individually (collectively, the “Defendants”). The Plaintiffs seek to recover unpaid wages pursuant to the Fair Labor Standards Act, 29 U.S.C. §§ 201 *et seq.* (“FLSA”) and the New York Labor Law §§ 190 *et seq.* (“NYLL”).

On February 18, 2016, the Plaintiffs moved for a default judgment.

On February 19, 2016, the Court referred the Plaintiffs’ motion to United States Magistrate Judge Gary R. Brown a recommendation as to whether the motion should be granted,

and if so, (1) whether damages should be awarded, including reasonable attorney's fees and costs, and (2) whether any other relief should be granted.

On August 10, 2016, Judge Brown issued a report ("R&R") recommending that (i) default judgment be entered in favor of the Plaintiffs against the Defendants; and (ii) the Plaintiffs' motion for damages be denied without prejudice to a renewal upon the filing of a memorandum of law and the requisite evidentiary support consistent with Local Civil Rule 7.1, Rule IV.B of this Court's Individual Rules, and Judge Brown's June 22, 2016 electronic order.

It has been more than fourteen days since the service of the R&R, and the parties have not filed objections.

As such, pursuant to 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72, this Court has reviewed the R&R for clear error, and finding none, now concurs in both its reasoning and its result. See Coburn v. P.N. Fin., No. 13-CV-1006 (ADS) (SIL), 2015 WL 520346, at \*1 (E.D.N.Y. Feb. 9, 2015) (reviewing Report and Recommendation without objections for clear error).

Accordingly, the R&R is adopted in its entirety. The Plaintiffs may file a renewed motion for damages within thirty days of the date of this Order.

**SO ORDERED.**

Dated: Central Islip, New York  
September 30, 2016

/s/ Arthur D. Spatt  
ARTHUR D. SPATT  
United States District Judge